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ALEXANDER L. STEVAS,
CLERK

NO. 82-951

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1982

SONIA M. KEITH,

Petitioner,

vs.

ATTORNEY GENERAL WILLIAM F. SMITH, et al

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA DIRCUIT

SONIA M. KEITH
249 OLD KINGS HIGHWAY, SO.
DARIEN, CONNECTICUT 06820
203/655-1533

Pro Se litigant

QUESTIONS PRESENTED FOR REVIEW

1. Is a plaintiff deprived of due process of law when the courts dismiss a case without ascertaining whether her Constitutional right to the assistance of counsel has been denied to her due to interference by the government?

2. What recourse does a plaintiff have if the plaintiff is a victim of unwarranted government harassment; is unable to obtain legal counsel because of it and is denied an investigation of the matter by the Department of Justice?

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PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

Petitioner seeks a Writ of Certiorari to review the judgement of the United States Court of Appeals for the District of Columbia Circuit in this case.

OPINIONS

There were no opinions in this case.

JURISDICTION

The judgement of the Court of Appeals in this case was entered on May , 1982. Petition for re-hearing was denied. The Order was entered July 12, 1982.

The jurisdiction of this Court is invoked pursuant to 42 USC, 1983, 1985; and Public laws 95-521, Chap. 39,sec. 591 Title VI - amendment to Title 28 USC 581,sec.601(a), under the Ethics in Goverbment Act of 1978.

STATUTORY PROVISIONS INVOLVED

The Ethics in Government Act of 1978 - Public Laws 95-521; chapter 39 sec. 591; Title VI amendment to Title 28 USC,581 sec. 601 (a).

The 14th amendment to the United States Constitution

Title 28 sec. 2675 and amendment 1966 sub. (a), Public law 89-502 s 2(a).

STATEMENT OF THE CASE

THE FACTUAL BACKGROUND

This case was brought against the defendants for failure to investigate allegations of wrong-doing by top-level government officials re: the new Ethics in Government Act of 1978.

The laws under the Act requires that the Attorney General look into the matter and if he finds the charges to be true, to appoint a Special Prosecutor.

Among the allegations to be investigated: the petitioner charges that the respondents had full knowledge that agents of the Federal Bureau of Investigation assisted the Darien, Connecticut Police - petitioners' residence - in a program to destroy her, knowing the police were connected with Organized Crime. The police believed the petitioner knew of their corrupt activities which included wire-tapping the petitioners' telephone.

The petitioner charges that the respondents had full knowledge that agents of the FBI were engaged in an illegal unwarranted program to

destroy her using physical and electronic surveillance, mail check and wire-tapping; thereby being able to prevent the petitioner from obtaining legal counsel - to prevent the petitioner from bringing suit against them.

The petitioner made many trips to the Department of Justice and the Federal Bureau of Investigation, requesting relief. These agencies did not deny her allegations, but refused to ameliorate the situation or investigate the petitioners allegations.

In 1976 the petitioner gave documented material to congresswoman Bella Abzugs aide - at her request - regarding the illegal acts of misconduct by the FBI, which she intended to present to the Senate Intelligence Committee, who was investigating the matter of FBI wrongdoing.Petitioners' material was stolen from her files, returned to the petitioner with a letter fraudulently signed by an FBI Agent Nicholas Callahan, who was fired for this reason. He was the top aide to former FBI Director Clarnece Kelley.

The petitioner requested respondent Shaheen to investigate the matter, but nothing was done about it.

The petitioner - since 1975 - has tried to get relief from the Department of Justice, requesting many times that investigations of the petitioners charges be made. Nothing was ever done about it, nor were the charges denied.

After making requests for investigation of the acts of wrong-doing - giving full details to the Attorney General and other respondents, the petitioner advised them that she would bring suit against them.

The illegal acts of wire-tapping, mail check and surveillance were carried out by FBI agents who were in charge of the field and resident bureaus in every state where the petitioner traveled, since 1975 to the present time.

PROCEEDINGS IN THE COURTS BELOW

The petitioner filed suit Pro Se in federal District Court, District of Columbia, December 22, 1980.

The defendants failed to file their answer within 60 days, as required. After waiting 100 days the petitioner filed a Motion for Default on April 10, 1981. No action was taken on this Motion.

On April 13, 1981 defendants filed a Motion to dismiss, on grounds of Res Judicata and Statutory limitation, claiming that this suit was similar to one filed in Connecticut in 1978 by the petitioner.

This suit is filed under the public laws of the Ethics in Government Act of 1978 - requiring the Attorney General to investigate charges of mis-conduct of top-level officials. The Connecticut suit was filed as one of conspiracy, wherein the defendants committed the acts of wrong-doing. None of the defendants are the same, except the "FBI" per se.

The defendants claimed this suit should be barred because of statutory limitations. However, the acts of mis-conduct never ceased, causing them to accrue.

On April 21, 1981 Judge Pratt signed the defendants motion to dismiss. There was no opinion.

On May 4, 1981 the petitioner file a motion for re-consideration.

On May 18, 1981 Judge Pratt signed an order denying petitioners motion. There was no opinion.

On September 15, 1981 the petitioner filed a brief in the District of Columbia Court of Appeals, which was heard in oral argument on February 25, 1982. The petitioner disputed the appellees argument that this case was similar to the one she filed in Connecticut; and asked at that time if she could submit documentation to support her charges that she was unable to hire an attorney due to interference by the FBI. It was concluded that the material was not pertinent.

The petitioner was allowed to submit letters and documentation to support her statements that she had tried on many occasions to have her allegations investigated.

The Court of Appeals affirmed the lower Courts decision on April 13, 1982

There was no opinion.

On April 24, 1982 the petitioner filed a motion requesting an explanation of the courts reason to affirm the lower courts decision, in order to have information in order to proceed properly to pursue the case; to petition for a re-hearing. The court construed her request to mean the petitioner needed an enlargement of time.

On June 14, 1982 the petitioner filed for a re-hearing and/or suggestion for re-hearing en banc, which was denied on July 12, 1982.

The petitioner filed concurrently - with the petition for re-heafing - a motion to appoint counsel, or remand to the lower court to ascertain whether she had been denied her Constitutional right to the assistance of counsel.

These motions were denied, with no opinion.

REASONS FOR GRANTING THE WRIT

This Courts obligation as an overseer of the administration of Justice in the federal courts requires that it protect the Constitutional rights of all American citizens who come before them, and especially a Pro Se litigant, when her Constitutional freedoms are denied to her.

Without counsel, the petitioner - a non-lawyer with no knowledge of law or legal training - has not had an equal opportunity to competently reppesent herself against trained legal experts. There can not have been a fair adjudication of the facts of the matter. If the respondents had investigated her allegations the truth would have come to light.

The respondents - having full knowledge of the acts of wrong-doing by themselves and other officials - protected their own by refusing to investigate the petitioners allegations.

The Attorney General disregarded the requirement of the Ethics in Government Act, that he look into the matter of the petitioners allegations. It is the petitioners Constitutional right to request an investigation, and the Attorney General duty to so do, under the law.

To allow the judgement of the District of Columbia circuit to stand, is to approve of its rationale, undermining the mandate of the Ethics in Government Act, which requires investigation of mis-conduct by to -level officials.

To redress its denial of fundamental principles set forth by this court would be a step to reassure the public, and other Pro Se litigants, that abuse of American citizens and acts of mis-condcut by government officials will not be tolerated, and that the laws governing the Ethics in Government Act will be enforced.

This case may be the first to challenge a petitioners right to an investigation under the Ethics in Government Act, which came into being of necessity - an aftermath of the watergate scandal.

This case proves a fitting opportunity to recognize the importance of the public laws pertaining to this Act, and to assure the public that it will be protected from further government abuses; and to assure the public whotcontinues to question the promises of the Department of Justice, that their Constitutional and Civil rights are being protected.

CONCLUSION

For the reasons above, petitioner respectfully submits that this is a case of such importance regarding the petitioners' efforts to bring suit to redress her greivances against the government under the new Ethics in Government Act of 1978 , as to warrant the granting of a Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

Respectfully submitted,

Sonia M. Keith

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A.

NOT TO BE PUBLISHED - SEE LOCAL RULE 8 (d)

United States Court Of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 81-1669

September Term, 19 81

Sonia M. Keith, Appellant

Civil Action No. 80-03251

v.

William French Smith, Attorney General, et al.

United States Court of Appeals
for the District of Columbia Circuit

FILED APR 13 1982

GEORGE A. FISHER
CLERK

Appeal from the United States District Court for the District of Columbia.

Before: WILKEY and MIKVA, Circuit Judges; and GESELL*, United States District Judge for the District of Columbia

JUDGMENT

This cause came on to be heard on the record on appeal from the United States District Court for the District of Columbia, and was argued by counsel. While the issues presented occasion no need for an opinion, they have been accorded full consideration by the Court. *See* Local Rule 18(c).

On consideration of the foregoing, It is ordered and adjudged by this Court that the judgment ---------- of the District Court appealed from in this cause is hereby affirmed. (It was dismissed April 13, 1982. no opinion)

Per Curiam
For the Court
George L. Fisher
George A. Fisher
Clerk

*Sitting by designation pursuant to 28 U.S.C. §292(a).

Bills of costs must be filed within 14 days after entry of judgment. The Court looks with disfavor upon motions to file bills of costs out of time.

A.

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 81-1669 September Term, 19 81

Sonia M. Keith,
Appellant

v.

William French Smith,
Attorney General, et al.

Civil Action No. 80-03251

ARGUED 2-25-82

BEFORE: Wilkey and Mikva, Circuit Judges; and Gesell*, Judge, United States District Court for the District of Columbia

O R D E R

On consideration of appellant's petition for rehearing it is

ORDERED by the Court that the aforesaid petition is denied.

Per Curiam

United States Court of Appeals
for the District of Columbia Circuit

FILED JUL 12 1982

GEORGE A. FISHER
CLERK

FOR THE COURT:

George A. Fisher,
Clerk

BY: Robert A. Bonner
Robert A. Bonner
Chief Deputy Clerk

*Sitting by designation pursuant to Title 28 U.S.C. §292(a).

B.

STATUTUES AND PUBLIC LAWS

The Ethics in Government Act of 1978, Public law 95-521. Title VI Amendment to Title 28, USC. Sec. 601 (a) - chap. 39 - Special Prosecutor. Sec. 592(a).

591(a). The Attorney General shall conduct an investigation pursuant to the provision of this chapter whenever the Attorney General receives specific information that any of the persons described in subsection (b) of this section has committed a violation of any federal criminal law other than a violation constituting a petty offense.

Subsection (b)4. Any individual working for the Department of Justice and compensated at a rate not less than the annual rate of basic pay provided for level III of the executive schedule under sec. 5314 of Title 5. This includes the Responden

592 (a). The Attorney General upon receiving specific information that any of the persons described in sec. 591 (b) of this title has engaged in conduct described in sec. 591 (a) of this title, shall for a period not to exceed 90 days, such preliminary investigation of the matter as the Attorney General deems appropriate.

(c). If the Attorney General upon completion of the preliminary investigation, finds that the matter warrants further investigation or prosecution, or if the 90 elapse from the receipt of the information without a determination by the Attorney General that the matter is so unsubstantiated as not to warrant further investigation or prosecution, the Attorney General shall spply to the division of the court for the appointment of a Special Prosecutor.

14TH AMENDMENT - Due Process clause.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life,

B.

liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws".